

### Notice of Allowability

**Application No.**

09/646,811

**Examiner**

Carlos Lopez

**Applicant(s)**

TRINKIES ET AL.

**Art Unit**

1731

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/15/03.
2. ☒ The allowed claim(s) is/are 10-15,26-42 and 44-53.
3. ☒ The drawings filed on 22 September 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)   | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>10/3</u> |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>9/00</u> | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                       |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material    | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                 |
|   | 9 <input type="checkbox"/> Other   |

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Cole on 10/10/03. It was noted to applicant that the above claims did not have a structural relationship with the claimed automated cigarette maker. Additionally there was question in whether an "automated cigarette maker" was supported in the specification and thus it was agreed to delete the term "automated". The application has been amended as follows:

In claim 10 line 1, "An automated cigarette" was deleted and - - A cigarette- - was inserted.

In claim 11 line 1, "The automated cigarette" was deleted and - - The cigarette- - was inserted.

In claim 12 line 1, "The automated cigarette" was deleted and - - The cigarette- - was inserted.

In claim 13 line 1, "The automated cigarette" was deleted and - - The cigarette- - was inserted.

In claim 14 line 1, "The automated cigarette" was deleted and - - The cigarette- - was inserted.

In claim 15 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

In claim 26 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

In claim 27 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

In claim 28 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

Additionally, in claim 28 at line2, after "further comprising a tube conveyor", - - ,  
for supplying tubes to the automated cigarette maker, - - was inserted.

In claim 29 line 1, "The automated cigarette" was deleted and - - The cigarette -  
- was inserted.

In claim 30 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

In claim 31 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

In claim 32 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

In claim 33 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

Additionally, in claim 33 at line 2, "further comprising a holder mechanism comprising" was deleted and - - wherein said tube rod compression mechanism further comprises a holder mechanism having- - was inserted.

In claim 34 line 1, "The automated cigarette" was deleted and - - The cigarette- - was inserted.

In claim 35 line 1, "The automated cigarette" was deleted and - - The cigarette- - was inserted.

In claim 36 line 1, "The automated cigarette" was deleted and - - The cigarette- - was inserted.

In claim 37 line 1, "The automated cigarette" was deleted and - - The cigarette- - was inserted.

Additionally, in claim 37 line 2, "further comprising a tube hopper wherein said tube hopper" was deleted and, - - further comprising a tube hopper, for supplying tubes to the cigarette maker, - - was inserted.

In claim 38 line 1, "The automated cigarette" was deleted and - - The cigarette- - was inserted.

In claim 39 line 1, "The automated cigarette" was deleted and - - The cigarette- - was inserted.

In claim 40 line 1, "The automated cigarette" was deleted and - - The cigarette- - was inserted.

In claim 41 line 1, "The automated cigarette" was deleted and - - The cigarette- - was inserted.

In claim 42 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

In claim 44 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

In claim 45 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

In claim 46 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

In claim 47 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

In claim 48 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

In claim 49 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

In claim 50 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

In claim 51 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

In claim 52 line 1, "The automated cigarette" was deleted and - - The cigarette -  
was inserted.

In claim 39 lines 1-2, "including tobacco rod shaping mechanism as set forth in claim 10 further comprising a tappet," was deleted and - - as set forth in claim 10, wherein said rod shaping mechanism further comprises a tappet- - was inserted.


In claim 50 line 2, after "a tube conveyor", - - for supplying tubes to the cigarette maker- - was inserted.

In claim 53 line 1, "An automated cigarette" was deleted and - - A cigarette- - was inserted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lopez whose telephone number is (703) 605-1174. The examiner can normally be reached on Mon.-Fri. 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (703) 308-1164. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
STEVEN P. GRIFFIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

C.L